

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 18-20128

v.

Hon. STEPHEN J. MURPHY

D-2 ARTHUR SIMPATICO,

Defendant.

_____ /

Government's Sentencing Memorandum

Simpatico was the #2 man in a group of adult men that targeted hundreds of children over the course of more than five years. He enticed minors to engage in bestiality with their pets, produced thousands of child pornography videos, and warned his fellow group members about law enforcement's investigation of Website A. Simpatico, an IT specialist, used his technological prowess to teach other group members how to obfuscate law enforcement's efforts. And, membership in one group was not sufficient for Simpatico; in the fall of 2016, he joined a second group and remained an active participant in both until the date of his arrest.

Because of Simpatico and his coconspirators, over a hundred young girls suffer from mental anguish and trauma. Several have attempted suicide, many have mutilated their own bodies because of their pain (one is in a hospital), and many more are in therapy. For this conduct, Simpatico's guidelines are life imprisonment. Taking into account all of the § 3553(a) factors and Simpatico's relative culpability (described in the chart below), the Government recommends a sentence of **50 years' imprisonment** followed by a lifetime of supervised release.

	<u>Role(s)</u>	<u>Activity</u>	<u>Contact w/Victims</u>	<u>Sent:</u>
Christian Maire	Leader of the group; Handler; Hunter; Talker	<ul style="list-style-type: none"> Identified by every other group member as the group leader; Member from 2010 through May 2018; Organized the group's website, invited members, posted social media of each targeted minor; Found almost all the victims for the group from 2015 to 2018; On Website A daily through May of 2018 Used VPN to avoid law enforcement detection Distributed videos he recorded/produced of group victims 	<ul style="list-style-type: none"> Primary point-of-contact for most minor victims to the group Communicated with dozens of minors using fake social media profile for months and even years Knew MV-3 was suicidal and knew others were depressed 	Life
Arthur Simpatico	Admin privileges (one of the leaders); Talker	<ul style="list-style-type: none"> Warned others about law enforcement investigation, leading to destruction of evidence Member from 2012-SW execution in 2018 Joined a second group in 2017 On Website A or Website B daily Distributed videos he recorded/produced of group victims Technologically sophisticated: used encryption to avoid law enforcement detection 	<ul style="list-style-type: none"> Knew MV-2's location and talked about taking her to a hotel when he visited her hometown; Aggressive/violent: visited chatrooms "cryingandfuck," "cryingandwin," and "punishment" Encouraged MVs to produce bestiality ("dogwin") and an "anal sharpie show" 	50 years

		<ul style="list-style-type: none"> • Attempted to encrypt devices as law enforcement entered home 		
Odell Ortega	Talker	<ul style="list-style-type: none"> • Member from 2010 through the spring of 2017; • On Website A or Website B daily; • Recorded everything every time he was online – 1,278 hours of CP, 439,773 files that are child exploitive or child pornography • Meticulously organized recordings with folders with each victim's true name, location, age, etc. and collected this information about each of them 	<ul style="list-style-type: none"> • Met up with MV-10 in person by flying her out to Florida at or shortly after she turned 18; • Purchased lingerie for MV-21; • Paid MV-18 to produce child pornography 	50 years
Jonathan Rodriguez	Talker; Hunter; Handler	<ul style="list-style-type: none"> • One of the most "aggressive" talkers; • Went on true web cam to entice minors; • Member from 2012 through SW execution date Oct. 2017; • Created fake social media profile to entice minors to engage in sexual activity (including MV-1 and MV-2) 	<ul style="list-style-type: none"> • Had girls that the group identified as "his" [Jwalks girl; Jwalks friend]; • Aggressive/violent tastes: visited "cryingandfun" chatroom, a chatroom known to be associated with blackmailing minors, and a chatroom where MV-12 routinely cut herself while 	40 years

			engaging in sexual activity on web cam	
Brett Sinta	Hunter; Moderator; Talker	<ul style="list-style-type: none"> Organized the “polls” the group would give to minors to entice them to engage in sexual activity; Was the moderator of certain chatrooms; Member from 2010 to May of 2017 (when group was warned by Simpatico); Drilled holes through hard drives at around the time Simpatico warned the group about law enforcement’s discovery of Website A Created fake social media profile to entice minors to engage in sexual activity 	<ul style="list-style-type: none"> Carried on one-on-one relationships with certain minors, including MV-5 and MV-6, enticing them to send sexually explicit images and pretending to be a teenage boy; MV-5 believed he was her boyfriend and they carried on a relationship for a year. 	40 years
Daniel Walton	Talker	<ul style="list-style-type: none"> Member from 2012 through the summer of 2017; On Website A or Website B daily; Recorded everything every time he was online – 241 hours of CP, 15,951 files that are child exploitive or child pornography; Distributed the recordings he made to other group members; Created fake social media profile to entice minors to engage in sexual activity 	<ul style="list-style-type: none"> Targeted at least 11 victims one-on-one, enticing them to engage in sexual activity and sometimes engaging in sexual activity himself on web cam with them to get them to do so Knew that these victims were vulnerable (one had a father who was molesting her and a sister who had been killed) 	35 years

Michal Figura	Talker	<ul style="list-style-type: none"> • Member from 2012 through at least the month prior to the Oct. 2017 SW; • On Website A or Website B multiple times a week – 6,122 visits to just Website A during the time period covered by the logs; • Technologically sophisticated: IT specialist taught other members how to stream videos from You Now and how to download videos that the You Now moderators had removed due to their illicit content 	<ul style="list-style-type: none"> • Aggressive/violent tastes: visited chatrooms “blackmailcapper,” “cryingandfun,” and “fuckmeharder” 	35 years
Caleb Young	Talker; Hunter	<ul style="list-style-type: none"> • Member from 2012 through the spring of 2017; • On Website A or Website B daily; • Created a fake social media profile pretending to be a teenager to entice minors; • Discarded a 2 TB hard drive right around the same time period as Simpatico warned the group (May of 2017) about law enforcement’s investigation 	<ul style="list-style-type: none"> • Visited chatroom “cryingandfun” 	35 years

I. The “Bored” Group and the “Skype” Group

Simpatico was a part of two different groups. Both had the same goal – to “hunt” minor females, entice them to masturbate and engage in other sexual activity on web camera, and then record and share it. The first of these groups (hereinafter the “Bored Group”) started in or a little before 2012 and remained active through 2017. Simpatico and more than ten other individuals worked together for more than five years, pretending to be teenage boys, and successfully enticing hundreds of girls. (See Crim No. 18-20128 *United States v. Maire et al.*). In September of 2016, Simpatico joined a second group – the Skype Group. The Skype Group was active from 2013 through the date of Simpatico’s arrest in February of 2018. (See Crim No. 17-20632, *United States v. Eisley et al.*).

Although the Bored Group and Skype Group are similar, there are a few key differences. The Bored Group worked together for a longer period of time, pitted girls against each other in order to get them to engage in sexual activity, used different polls to deceive their victims, were more organized in tracking their victims, and generally targeted more vulnerable victims than the Skype Group. More than half of the

Bored Group members reported that girls they targeted were cutting or suicidal. One said that more than half of the girls cut themselves, another said girls “commonly” engaged in this behavior, and yet another confirmed these statements and recalled one particular victim cutting herself live on web camera. These same group members explained how this vulnerability created an opportunity for them to engage in “trust building” so that they could more successfully entice these minors to engage in sexual activity.

The Bored Group members also had more personal relationships with the girls they targeted. At least two of them met up with victims, others (including Simpatico) hinted that they wanted to do so, and one purchased lingerie for a victim and wrote a reference letter so that she could get a therapy dog. Unlike the Skype Group, some Bored Group members did not record, or at least if they did, they destroyed or got rid of the electronic devices where they kept their recordings. Simpatico sent a warning to the Bored Group about law enforcement’s investigation of Website A in May of 2017. Around this same time, a group member

drilled through his hard drives and other group members got rid of their primary electronic devices.¹

The Bored Group

The Bored Group first started on the moderated website Stickam, but members became frustrated because the website prohibited the type of sexual activity they were seeking. They then migrated to another website that allowed this sexual activity. On this website, users earned “points” every time they wrote a message to a female, went on web cam themselves to entice a minor to engage in sexual activity, or played a pre-recorded video with this same objective. The Bored Group members were invited to the special “VIP” room because they earned so many points. However, they soon became frustrated with even this website because it required users to be over the age of 18.

Thus, in 2012, they began using a completely unmoderated website (hereinafter “Website A”) with the specific goal of persuading minors to engage in sexual activity on web camera. Website A was primarily devoted to the production of child pornography, with multiple groups of adult males (including the Bored Group and the Skype Group) using it to

¹ Although there are likely the same or more victims of the Bored Group as the Skype Group, these actions have made it more challenging for the FBI to identify them.

target 8-17 year-old children. Website A was a chatroom-based social media platform where people, using usernames of their choosing, went to different chatrooms and communicated with other users in real time.

Unlike other moderated websites, there was no central list of chatrooms on Website A. Users had to know the specific chatroom they wanted to go to in advance or else receive a link to that chatroom, and any person could create a chatroom and then invite others to join. Each chatroom had a list of users in the lower right corner of the screen, an active chat conversation on the lower left corner of the screen, and a large space above for individuals to live stream their activities via web camera. At any given time, up to two users could broadcast their activities via web camera.

The Bored Group used other chat discussion forums to strategize and organize their activities, including a forum on the website Titan Pad and on Discord. These were private to the group and password protected. The group members called Titan Pad “the Sheet” because the formatting was similar to an Excel document, with different tabs, charts, and tables. On one of these tabs, the group kept track of all of their minor female targets, listing information such as their names, links to their social

media, and the chatrooms on Website A associated with them. This tab also contained information about the girls that the group dubbed “pay whores.” “Pay whores” were girls that would masturbate on web camera in exchange for money. For example, the group considered 16 year-old MV-18 to be a “pay whore.”² Another tab contained the group chat conversation, where they would talk about the minors and how best to get them to engage in sexual activity. Another contained a list of the “active” (for the “regulars”) and “inactive” (for those minors who infrequently logged on) chatrooms. This tab also had a “graveyard,” listing chatrooms that minors had once frequented.

Yet another page contained the group’s “hunt” strategy, which is copied below:

1. Find a girl on live feed (usually a slutty girl)
2. Follow the girl (required if private)
3. Find an older gif that isn’t slutty, with not a ton of comments
4. Leave a comment, giving some compliment and asking her to message you (or to follow you)

² MV-18 and her mother will attend sentencing. *See* Govt. Ex. A-18, Victim Information, Filed Under Seal.

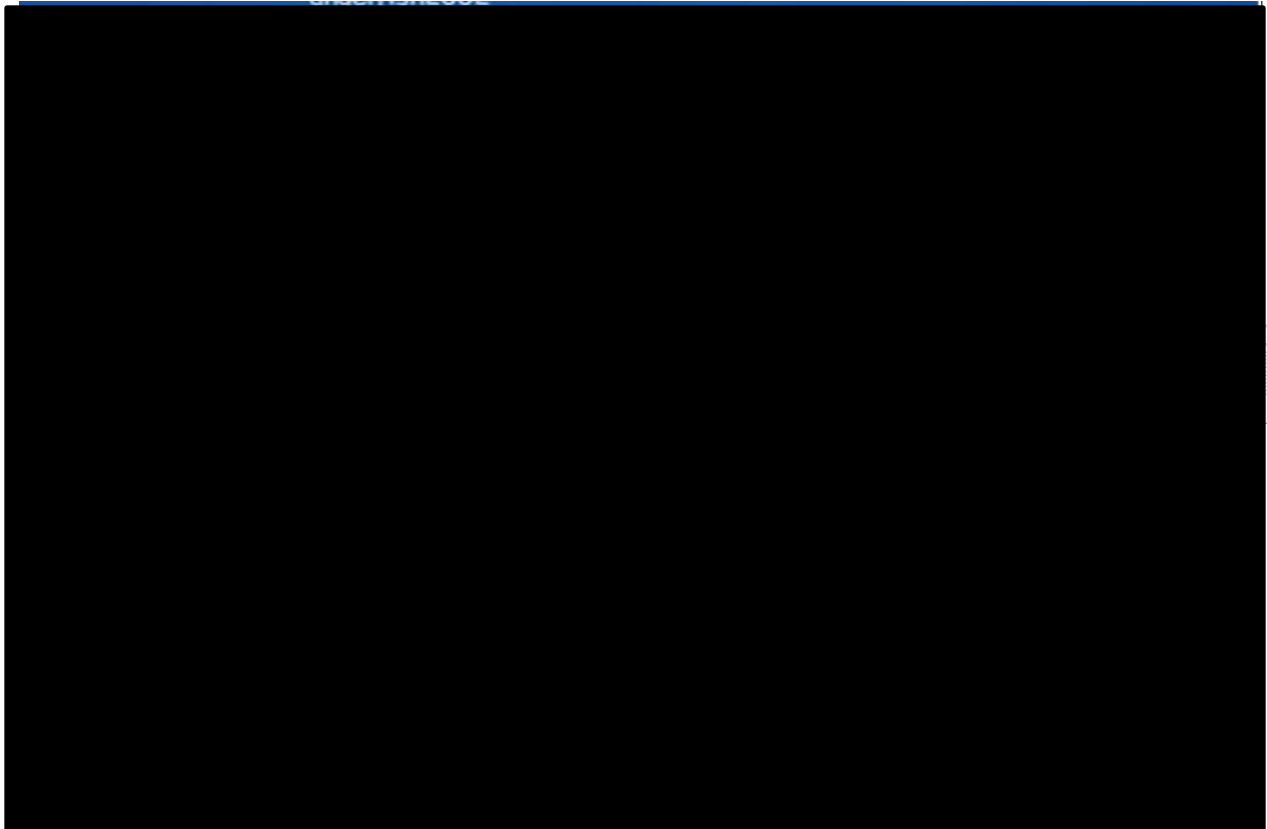
5. If she messages you, you did the first five steps correctly, and you can even remove your comment

Group member **SPACEY**, identified as Christian Maire, was in charge of editing and setting up Titan Pad. The FBI recovered screen shots from that site, demonstrating its organizational structure. *See, e.g.*, Govt. Ex. B-1, Screenshots from Group Website, Filed Under Seal. The FBI also recovered numerous group chats from the Bored Group in which they discuss the minors they are targeting. Govt. Ex. B-2, Examples of Bored Group Chat Discussions Strategizing about Targeting Minors, Filed Under Seal; Govt. Ex. C, Examples of Group Enticing Minors, Filed Under Seal; Govt. Ex. G, Example of Group “Punishing” Minor, Filed Under Seal.

In April of 2017, the Bored Group migrated its group strategy forum from Titan Pad to Discord. Discord has a chat function and is typically used by video gamers. On the Discord chat, group member Simpatico, using the username **YAB**, asked Maire to verify that he had deleted the contents of Titan Pad. Maire confirmed that he had. Then, in May, Simpatico posted a news article in the Discord chat about the FBI’s arrest of a well-known Website A offender. He told the group that the admin of

the website had provided chat logs and added, “this is my exit i think.” After this post, several group members did not return to the group chat.

Simpatico primarily used the usernames **YAB**, **FRED**, and **DEFF** on Website A. Below is a still image from a longer video depicting him and other group members enticing a minor to engage in sexual activity on Website A. She complies with their directions in the video, masturbating and displaying her genitals. *See also*, Govt. Ex. C, Website A Group Enticement Examples, Filed Under Seal.



The usernames of the other Bored Group members who have been identified and reside in the United States are **SPACEY, BORED (aka JOSH), CRAZY, WES (aka JWALKS), TEX, JOHNB, SMOKE, and SID.**

Each group member had at least one role, although at times a group member would play more than one role or switch from one role to another. For example, both the Bored Group and the Skype Group had “hunters”, “talkers,” and “loopers.” The “hunters” visited social media websites commonly used by the minor victims to interact with the minors. They were in charge of convincing the girls to log-on to Website A. They provided the girls with links to specific chatrooms that they or another group member would create. They then told the other group members (on Discord, Titan Pad, or another group discussion thread) that they had gotten the girl to come to Website A and provided the link to the other group members so they could join the room and see the new girl.

One Website A user described “hunting” this way:

A hunter chooses a website called – you can call it hunting ground if you want . . . they choose a website. They go there . . . Low viewer counts are always ways to avoid competition with other groups. And it can also be used as a tool for enticement and coercion. Because if you’re broadcasting, you want people to talk and interact with. If they’re not there,

well, that's a tool. Come over here. There's people over here ready to talk to you. And minor females, for the most part, want people to talk to and some sort of attention based on what I've seen . . . a hunter's primary job was procuring targets and minor female victims for sexual exploitation and redirecting them to a specific location created by the hunter.

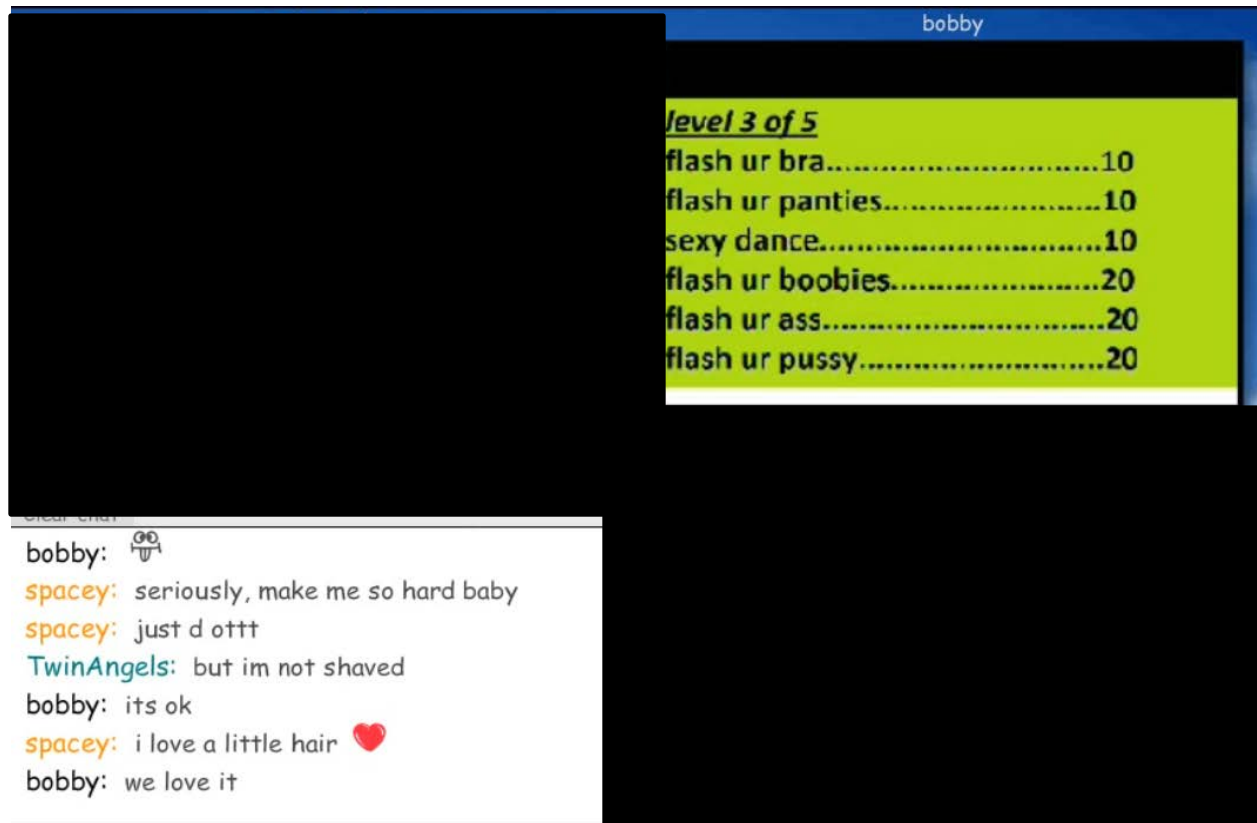
United States v. Fuller et al., Crim No. 16-20239, Apr. 4, 2017 Tr. T., 402-03.

Once the minors logged-on, the “talkers” took over the primary job of conversing with them. Talkers used psychological manipulation to “make the victims feel wanted . . . to slowly, through words and coercion and enticement try and get them [] moving towards committing acts of sexual nature.” (*Id.* at 404). The Bored Group used several different types of manipulation, including:

- **Dares**: asking the minors to do dares, escalating into requests for them to engage in sexual activity;
- **Polls**: running a “poll” to see how many users in the room would vote to have a minor take off her shirt. Other group members would all vote “yes,” and then they would pressure the minor to comply with the poll results. After she did so, they would start a new poll asking her to take off her bra, then another to have her take off her

pants and underwear, then to masturbate, etc. (See Govt. Ex. I, Group Using Polls to Target Minor, Filed Under Seal);

- **Competitions**: using a “points” system, pitting one minor against another. The group would have two girls get on web cam in one chatroom and give them points for taking off certain items of clothing and engaging in sexual activity. The girls could go from “Level One” to “Level Two” if they obtained enough points, then to “Level Three,” and so on. An example of the group’s use of competitions is depicted below:



If the “talkers” were unsuccessful, then the “loopers” would play a previously recorded video of a minor actively chatting and performing sexual acts in a chatroom. The “looper” pretended to be the minor in the video. The “looper” played the video or “loop” of a minor engaged in sexual activity in order to entice the minor in the chatroom to engage in the same sexually explicit activity.

Although some Bored Group members had “loops,” the Bored Group frequently used another technique called “block cams.” If one group member had a particularly close relationship with a victim (the so-called “handler” for that minor), that member would tell the minor that he was going to block the camera so that only he could see her in the chatroom and none of the other users. This reduced the inhibitions of the victim and increased the chances she would engage in sexual activity. The other group members pretended that the web camera function in the chatroom went out and that they couldn’t see the minor, asking her where she went. *See Govt. Ex. H-1 and H2, Group Uses Block Cams to Entice MV-2, Filed Under Seal.*

The Bored Group also had designated “campers,” or members who were in charge of hanging out in particular chatrooms. That way, if the

minor logged-in, she would think that the chatroom was a legitimate chatroom that was active all the time and not what it actually was – a chatroom especially designed to target her.

The group's target age range was 13-17 year-old girls, although they targeted girls as young as 10. Simpatico and the other group members would record the girls they enticed engaging in the lascivious display of the genitals, masturbation, and other sexual acts. They would share recordings with each other by streaming them on Website A chatrooms. The group even had their own "rules" and "terminology." They dubbed their recordings of the preteen and teenage girls "captures." They identified their age by using a "minus" symbol from 18; so an 11 year old would be "-7," a 13 year old "-5," and a 15 year old "-3."

A "win" was getting a girl to engage in sexual activity; an "epic win" was when a girl masturbated on web cam; "50 shades" was to use sexually explicit language with a minor. As described above, if a girl was suicidal or revealed that she was cutting herself, the group would engage in what they called a "trust building session," using it as an opportunity to build her trust so that the next time she was online they could successfully get her to engage in sexual activity.

Trust-Building

Examples of the group's use of "trust building" include the following:

- The group targeting an approximately 15-year old girl (MV-44) who disclosed she had previously been committed to a psychiatric ward, was currently in therapy, and was cutting and burning herself (*See* Govt. Ex. D-1, Trust Building Example, Filed Under Seal);
- The group targeting a then 15-year old girl (MV-9) who told them she had an addiction to self-harm (*See* Govt. Ex. D-2, Trust Building Example, Filed Under Seal);
- The group targeting MV-9, who cut herself while they are talking to her and showed them the cuts (*See* Govt. Ex. D-3, Trust Building Example, Filed Under Seal);
- The group targeting an approximately 15-year old girl (MV-13), who they knew had a mother who was a drug addict (*See* Govt. Ex. E, Enticement of Minor, Filed Under Seal);
- The group again targeting MV-13, who cried during their enticement of her (*See* Govt. Ex. F, Victim Cries During Enticement, Filed Under Seal).

So far, the FBI has identified 48 victims of the Skype Group and 24 victims of the Bored Group. There are hundreds more who remain unidentified. *See* Govt. Ex. A, Bored Group Victim Information, Filed Under Seal.

II. Simpatico's Conduct in the Bored Group

A. Simpatico's Chat Conversations with Group Members

Simpatico was an active participant in private group discussions on Discord and Titan Pad and frequently spoke to other group members on Skype. His participation spanned multiple years. In the chats, amongst other things, he celebrated the group's successful effort to get a minor to insert a hairbrush into her bottom, commented on the group getting "dogwin" from a different girl, and spoke about taking MV-2 to a hotel during his visit to the city where she lived. *See, e.g.*, Govt. Ex. J, Examples of Simpatico's Skype Group Chat Conversations, Filed Under Seal. Simpatico indicates that he is going through all of his old "caps" of girls and says, "all these girls look the same after a while." He teaches the group about a specific browser that they can use to access Website A on a cellular phone. He also tells group members how to use encryption.

In one chat dated December 27, 2016, he and fellow group members discussed a then 14-year old minor victim (who he and the group enticed

to produce dozens of child pornography videos) – and then went on to discuss another minor victim who they were “working on”:³

Simpatico: better chance of getting MV to show lol
Phillips: that was gross bro
Simpatico: lmao
Phillips: but desperate times...
Simpatico: LOL
Simpatico: sorry, her name is [MV]
Simpatico: dad must be a fat redneck
Simpatico: lol
Phillips: this will get nowhere tonight
Simpatico: that fuckin kid
Phillips: I'm ready to rage
Simpatico: time to bail maybe
Phillips: very soon
Simpatico: think it's better if it's just you?
Simpatico: she's super shy/afraid
Phillips: lets try, feel free to drop some lines here for me
Simpatico: ok go
Simpatico: try running along the top of her bra firt
Simpatico: get her to move down in bra
Simpatico: ya
Simpatico: ask her for your good night present again
Simpatico: only 3 seconds

³ These chats, along with some of the descriptions of the videos of child pornography the group produced, are extremely graphic. Without actually attaching the videos or images as exhibits, and in fairness to the victims, the Government provides these chats and descriptions in an attempt to accurately convey their contents. See *United States v. Cunningham*, 680 F.Supp.2d 844, 847 (N.D. Ohio, 2010), *affirmed* 669 F.3d 723 (6th Cir. 2012) (criticizing the “sterilization” that takes place once child pornography enters the legal system and the “clinical” way in which images are frequently described).

In yet another conversation, Simpatico's cavalier attitude about MV-13's home life is evident:

Simpatico: [Quoting MV: *I'm in a new place with no computer but here's my number xxx-xxx-xxxx give it to Ortega and **Simpatico** as well*]

Simpatico: dat dox
GM 1:⁴ fuck that tell her to go where she can cam

Simpatico: Dear MV... this is unacceptable. Please move to a residence where there is a cam so you can bate for us again. K'thx

...

Simpatico: esp the dangerous bate in her friend's house

Simpatico: felt really sorry for her tho..poor girl is obviously in a bad sitch with the crack whore mom

Ortega: i missed that. i only saw a bate in the house with no water and ipad bate. what was that one about?

A few of the titles of videos that the group made of MV-13 include:

"MV-13 13yo," and "Rec#3494 14yo MASTURBATING, GAPING ASS FOR ME.avi."

In another chat, Simpatico says that MV-6, a then 14-year old girl, is "a little dumb," and directs the group to "get her pussy on cam." The titles of the videos of MV-6 that the group made include: "MV-6 dec 14-

⁴ To protect the integrity of the ongoing investigation, group members who have not yet been apprehended are labeled "Group Member" and then a number. The usernames of identified group members are replaced with their real names.

2015 TOPLESS 14yo.avi,” “MV-6 Jan 2-206 14yo 3 STRIP SHOW.avi,” and “MV-6 july 7-2015 TOPLESS 15yo tanlines (1).avi.”

B. Simpatico’s Conversations with Minors

Simpatico had administrative privileges and was one of the leaders of the group. He directed others as to how to accomplish the group’s goals and was also a talker for the group. He shared the child pornography he made with other group members by streaming it on Website A. He used extremely graphic language with minors to entice them to engage in sexual activity.

For example, on January 15, 2017, Simpatico working in conjunction with other group members, told a minor with the username “princess” “those tits are just perfect.” He then directed her to use “3” fingers to masturbate. And, in a more than hour long recorded video chat with this same minor on February 3, after he and other group members successfully enticed her to have her dog perform oral sex on her, Simpatico encouraged her to insert multiple sharpies into her anus. When the minor asked if they liked the “anal sharpie show,” Simpatico responded, “very much.”

In a conversation with a different minor with username “angelfish” on January 9, 2017, Simpatico ordered her to put her, “butt to cam.” After other group members directed her to show her breasts, Simpatico commented, “WON,” and “mmmmm fuckkkkk.” Simpatico also told her: “closer tho,” “k go,” and “i think i saw a wetspot.”

One of Simpatico’s codefendants also had a video entitled MV-2 dec-31-2015 14yo brushbate for Yab (1).avi. In the video, a brown haired girl with a black shirt with kittens on it (MV-2) takes her shirt off. She does not have a bra on. She looks at what appears to be her computer screen and then begins sucking on a hairbrush handle. Again looking at the screen apparently for direction, she then masturbates with her fingers outside of her underwear.

C. Identifying YAB aka DEFF aka FRED

Despite Simpatico’s warning to the group in May of 2017 and his knowledge that the FBI was investigating Website A, Simpatico continued to regularly log-in to the group’s chat on Discord. He claimed he was not nervous because he knew Canada would not extradite. He logged-on to Website A 13,384 times from February 2, 2017 through September of 2017, the last month of the Website A logs obtained by the

FBI. If the logins were distributed equally over the course of that eight-month period, it would constitute more than 50 times per day. The rooms he frequented include: “cryingandfuck,” “cryingandfun,” “pussymassage,” “tradecaps,” and “punishment.”

Canadian authorities traced the IP address he was using to his residence in Mississauga, Canada. On February 7, 2018, they executed a search warrant there. Because they knew Simpatico was extremely technologically sophisticated, they planned a diversion to prevent him from encrypting his devices before they could seize them. But, when authorities entered, Simpatico raced to shut down his computers, successfully encrypting one of them. Authorities were able to thwart his attempts to shut down another. Simpatico was logged in as the user **YAB** on that second computer.

The forensic examination of Simpatico’s devices has so far revealed 9,311 child exploitive images and videos, over 186 child pornography images and approximately 2,641 child pornography videos. The longest child pornography video was 14 hours and 42 minutes; the total length of his child pornography video collection spanned more than 245 hours. Along with the child pornography videos, Simpatico recorded these young

girls doing things like rubbing or showing their breasts, hanging out with friends, and napping.⁵ Simpatico's recordings are dated all the way up to January of 2018.

II. ADVISORY SENTENCING GUIDELINES

The Guidelines in this case are not in dispute. The parties agree that Simpatico is a criminal history category I with an offense level 43, resulting in a Guideline range of life imprisonment.

III. SENTENCING FACTORS, TITLE 18 U.S.C. § 3553

Congress has provided, through 18 U.S.C. § 3553(a), the relevant objectives and factors to be considered by sentencing courts in imposing a “sentence sufficient, but not greater than necessary.” Those objectives are: (1) the nature and circumstances of the offense, and the history and characteristics of the defendant; (2) the need for a sentence to reflect the basic aims of sentencing (including retribution, deterrence, incapacitation, and rehabilitation); (3) the kinds of sentences legally

⁵ The FBI has so far analyzed approximately 35 percent of the tens of thousands of files on Simpatico's devices, so these numbers grossly underestimate the total number of child pornography videos and images.

available; (4) the Sentencing Guidelines; (5) Sentencing Commission policy statements; (6) the need to avoid unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need for restitution.

The most relevant factors are evaluated below, beginning with number 4, the sentencing guidelines.

A. The Advisory Guideline Range

In *United States v. Rita*, 551 U.S. 338 (2007), the Supreme Court restated that the goals of the United States Sentencing Commission in formulating the Sentencing Guidelines are to carry out the objectives of 18 U.S.C. § 3553(a). Despite their being advisory, rather than mandatory, the Guidelines remain an important factor in fashioning a just sentence. As the Supreme Court stated in *Rita*, “it is fair to assume that the Guidelines, insofar as practicable, reflect a rough approximation of sentences that might achieve section 3553(a)’s objectives.” *Id.* at 345.

In *United States v. Vonner*, 516 F.3d 382, 389 (6th Cir. 2008), the Court in analyzing the holding in *Rita*, recognized that the guidelines represent the Sentencing Commission’s attempt to reconcile the factors under § 3553(a), that these factors seek to balance Congress’ competing

interests in consistency and that a confluence between the national views of the sentencing commission and the independent views of a sentencing judge results in a “double determination” which significantly increases the likelihood that a sentence is reasonable.

In *United States v. Gall*, 128 S.Ct. 586, 601 (2007), the United States Supreme Court provided a template for sentencing proceedings in the district court. The Court held that a district court should begin sentencing proceedings by correctly calculating the applicable guidelines. *Gall*, 128 S.Ct. at 596.

B. The 3553(a) Factors as Applied in This Case

There are no sentencing guideline disputes. The parties agree that the appropriate guideline range is life imprisonment. The Government has carefully considered the sentencing factors and the need to avoid unwarranted sentencing disparities in recommending a sentence of 50 years followed by a lifetime of supervised release.

1. Nature and Circumstances of the Offense

The nature and circumstances of the offense warrant the Government’s requested **50-year** sentence. Simpatico participated in two different groups of individuals that had the sole objective of

convincing minor females to engage in sexual activity on web camera so that they could record them and exploit them. He was one of the leaders of the Bored Group and was also very active in the Skype Group. And, as evidenced by the forensic examination and his chats on Skype and social media, he started producing child pornography at least as early as 2012 and continued all the way up until the month before the search warrant at his residence. Moreover, even after Simpatico learned that the FBI was investigating Website A users, he continued to target minors and work with the group on a near daily basis. In fact, he logged on to Website A over 13,000 times in 2017.

And, not only was Simpatico logging on to Website A to produce child pornography; he was logging into rooms that were titled to indicate that the girls depicted were suffering: “cryingandfuck,” “cryingandfun,” and “punishment.” For Simpatico, this was more than just a hobby; it was his passion. He tricked and deceived numerous minors into thinking he was a teenager so he could get “win” for himself and for the group. He said extremely vulgar things to these young 12, 13, 14, 15, and 16 year-old girls. (“lets see your finger working magic on your clit”... “i’ll only cum in your mouth... i hope you don’t mind”...“fuck, I’m so hard now,”...“i

think i saw a wetspot"... "those tits are just perfect."... "just put it down and go shower.").

Simpatico's conversations with other group members show the extent of his depravity. ("I'm in [MV-2's city] and gotta drive back 6 hours tomorrow, maybe I should go get MV-2 and take her to a hotel :D"... "she's a little dumb... now let's get her pussy on cam,"... "dear MV... this is unacceptable. Please move to a residence where there is a cam so you can bate for us again. K'thx.").

He continued to prey on these girls despite knowing how vulnerable they were. Yet another thing that makes this case so much more egregious is that the production videos each of the group members created were frequently 20, 30, 40, 50 minutes long. The humiliation and fear is so much greater than if these were snapshots or two or three minute videos, as we so frequently see in production cases. Along with the sexual activity, these offenders recorded their entire room, their pets, them showering, and the posters on their wall. And, they recorded most of them countless times. These girls and their families have no idea who possesses those videos, which websites they are posted on, and where they will be distributed in the future.

Simpatico's collection involved particularly lengthy videos (with a total length spanning more than *245 hours* and his longest video being over *14 hours*). He created recordings of girls showering and inserting hairbrushes, highlighters, and sharpies into their vaginas and bottoms, and he was a part of the "team" that enticed these girls to do all of those things. Each video represented a "capture" of another target or prey. The horrifying nature of the videos cannot be overstated. Watching even a few seconds of them is sickening and heart breaking.

Simpatico alone produced thousands of videos of minor females. As a result of his and other group member's actions, a whole new set of "products" were created for a vile marketplace. These videos and those of other group members' will likely be the subject of hundreds of future receipt, distribution, and possession cases. Because of Simpatico's actions, dozens of parents and minors have already started serving a life sentence, a sentence that involves them receiving National Center for Exploited and Missing Children (NCMEC) notices each and every time their images or videos are discovered on another offender's computer – a sentence that will leave them wondering at every job interview, with every college application, in every relationship they have, whether the

persons they are interacting with have seen images of them in their most vulnerable state.

The nature and circumstances of this offense warrant a sentence of **50 years imprisonment**, followed by a lifetime of supervised release.

2. History and Characteristics of the Defendant, 18 U.S.C. § 3553(a)(1).

Nothing about Simpatico's history and characteristics suggests that a sentence of **50 years imprisonment** is unwarranted. Simpatico had a stable childhood free from any sort of abuse. PSR ¶¶ 53. He has a high school education as well as some college, and is in good health. PSR ¶¶ 67-58. His parents and sister have always been supportive of him and remain supportive despite the instant offense. PSR ¶ 55. Simpatico has worked in IT related field since 2001 and is very technologically sophisticated. PSR ¶¶ 73, 78. This enabled him to help the group be successful in their endeavors.

3. The Sentence Imposed Must Reflect the Seriousness of the Offense, Promote Respect for the Law and Provide Just Punishment, 18 U.S.C. §3553(a)(2)(A)

The offense of child exploitation enterprise is incredibly serious.

And, the ways that Simpatico and other group members violated the statute, by producing child pornography of hundreds of minor females over the course of several years, are particularly egregious. Each count of production carries a 15-year minimum, and each count of exploitation of a minor carries a 10-year minimum and a maximum of life imprisonment.

This group's conduct is so overwhelmingly horrific that it is hard for the brain to even quantify it. There are over a hundred victims, some who have supportive parents, some who may not, and most whose parents still don't know what occurred and can't help them. The group members continued to target girls even after they learned that were anorexic, burning and cutting themselves, committed to psychiatric wards, and suicidal.

Some of these victims were targeted on a weekly or daily basis by the group. For example, the group convinced MV-2 to masturbate with numerous objects on a weekly basis for more than a year. Several of these

girls carried on relationships with Website A users and him in particular, believing they were dating them and calling them their boyfriends. Their “boyfriends” continually asked them for sexual videos and images, which they provided in order to keep the relationship going. For some, the sudden, unexplained end to the relationship when their “boyfriend” lost interest was devastating. It led them to spiral into a deep depression and seek mental health treatment.

This group has normalized sexual behavior that is completely abnormal. They have robbed these young minor females, as young as ten-years old, of their innocence. They have taught them that they are only special and will only get attention and “fit in” with others their age if they are willing to let others exploit their bodies. For those that have been identified, hopefully their parents are able to help bring healing and restore them day by day. But, for those that are not identified, there is no telling what damage Simpatico’s group has done, and whether they will ever be able to live productive, healthy lives.

4. The Sentence Imposed Must Afford Adequate Deterrence to Criminal Conduct

Unfortunately, this group's crimes are all too easy for others to commit. Because the Internet allows users to maintain anonymity, an offender need only have recording software and knowledge of an unmonitored website to do what this group did. The recording software that the majority of them used is free and can be downloaded by anyone with a click of a button. Thus, deterrence in these types of cases is of incredible importance. Potential offenders who think about doing what this group did, which has left permanent scars on so many young girls' and families' lives, should know that, if they are caught, they will likely spend the rest of their lives in prison.

5. Protect the Public from Further Crimes of the Defendant, 18 U.S.C. §3553(a)(2)(B) and (C)

Most importantly, a **50-year** sentence is necessary to protect the public. According to a 2013 report from the Centers for Disease Control, suicide is the third leading cause of death for children age 10 to 14 years old, and the second leading cause of death for children age 15 to 24.⁶ A July 27, 2016 assessment by the FBI concluded that “it is very likely child sextortion victims are attempting suicide or engaging in other self-harming behavior due to their sextortion victimization,” with “very likely” meaning 80-95 percent. *Id.* According to the assessment, “the prevailing hypothesis continues to be sextortion is a major, if not the underlying, factor for child victims taking their lives in these scenarios.” *Id.*

Unfortunately, these statistics have certainly rung true in this case, with several of the victims attempting suicide. Because the victims live all across the United States (and in other countries), the Government is not aware of every incident that has occurred. However, what we do know is frightening enough.

⁶ *Children Committing Suicide or Engaging in Other Self-Harm due to Sextortion Victimization*, FBI Criminal Investigative Division, (July 27, 2016).

For example, this past year, MV-17, victimized at the age of 13 or 14, attempted suicide by trying to cut herself with glass. She also hit a brick wall, injuring her hand. She cut her arms for years, and this behavior has only subsided during the past few months with the help of intensive therapy. MV-17 plans to attend sentencing with the supervisor of the facility where she is staying.

MV-12, who was one of the victims that cut herself live on web camera on Website A, is currently committed to a hospital and has struggled immensely. She was recently in a car accident that rendered her a paraplegic. She has a court-appointed guardian.

MV-10 suffers from post-traumatic stress disorder and has a service dog to assist her. *See* Govt. Ex. A-10, Victim Information, Filed Under Seal.

MV-19, who was targeted on Website A starting at age 11, struggles with major depression and has been seeing a therapist for over a year. She also struggles with cutting. She has a permanent therapy dog that the family makes monthly payments for. MV-16, who was approximately 14 when the group targeted her, struggles with cutting as well and is in therapy. Her and her mom recently moved

because of concerns for her safety in light of the conduct on Website A.⁷ MV-18, who was 16 when she was targeted, moved schools and residences. She told her mom that pets would make her feel better, so despite significant financial constraints, her mom bought her several different pets which seems to be helping. *See* Govt. Ex. A-18, Victim Information, Filed Under Seal.

MV-1, who was 14 when first targeted, has been in extensive therapy. Her father explained that this incident has led to feelings of guilt and has impacted the whole family. MV-21, who is now 19, said that she remains terrified to leave her home. *See* Govt. Ex. A-21, Victim Information, Filed Under Seal. MV-22 reported that she and a friend were both blackmailed by Website A users, and that she was asked to insert a hairbrush in her vagina. *See* Govt. Ex. A-22, Victim Information, Filed Under Seal. MV-2's father reports that MV-2 is just now doing better, and he does not want to do anything to send her in another downward spiral. MV-2's mother detailed how the offense caused MV-2 to have to take medication and to have to drop out of

⁷ MV-16, MV-17, MV-18, and MV-21 all plan to attend sentencing.

dance class and school. *See* Govt. Ex. A-2, Victim Information, Filed Under Seal.

So many of the victims in this case may never be free because of what Simpatico and others did to them.

6. The Need to Avoid Unwarranted Sentence Disparities Among Defendants with Similar Records Who Have Been Found Guilty of Similar Conduct 18 U.S.C. §3553(A)(6).

Child exploitation enterprise is one of the most serious child exploitation charge a defendant can be charged with. A sentence of **50 years** would be appropriate and not result in any unwarranted sentencing disparities in a typical production case involving several victims. Here, this group's conduct is at an entirely different level, and Simpatico personally produced thousands of videos of child pornography, many of them over 30 minutes in length. Simpatico imposed what amounts to a life sentence on hundreds of minor females who he actively exploited for several years.⁸ A sentence of **50 years** will not result in any unwarranted sentencing disparities.

⁸ In considering sentencing disparities, the issue is the length of the sentence, not the age the defendant will be when he is released. It would be unfair to punish someone *less* simply because it took law enforcement a longer time to catch them. The defendant should not be rewarded for successfully committing this crime for a longer period of time and avoiding detection. In fact, quite the opposite.

Conclusion

The Government requests that the Court sentence Simpatico to **50 years' imprisonment** followed by a lifetime of supervised release.

Respectfully submitted,

Matthew Schneider
United States Attorney

s/April N. Russo
April N. Russo
Kevin M. Mulcahy
Assistant United States Attorneys
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9129
E-Mail: april.russo@usdoj.gov

Dated: November 28, 2018

Certificate of Service

I hereby certify that on November 28, 2018, I electronically filed the Government's Sentencing Memorandum for the United States under seal with the Clerk of the Court of the Eastern District of Michigan. I sent the memorandum and attached exhibits via Fed-Ex to defense attorney Bill Gallagher.

Bill Gallagher
bill@ArensteinGallagher.com
Attorney for Defendant

s/April N. Russo
April N. Russo
Assistant United States Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
Phone: (313) 226-9129
E-Mail: april.russo@usdoj.gov